



receipt by Defendants of an Order, Petition, or Complaint from which it may first be ascertained that the case is one which is or has become removable. Furthermore, this Notice of Removal is being filed within one year after commencement of the action. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b). No other Defendants in the state court action have been served and filed answers therein as of the date of the filing of this Notice of Removal. The only other Defendant to have been served as of the date of this filing is CHASE MANHATTAN BANK, USA, N.A. which consents to the removal of this matter to federal court.

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §1441(b) in that it arises under Federal law, namely 15 U.S.C. §2301 et seq. (MAGNUSON MOSS WARRANTY ACT), 15 U.S.C. §1692 et seq. (FAIR DEBT COLLECTION PRACTICES ACT), and 15 U.S.C. §1681 et seq. (FAIR CREDIT REPORTING ACT). In this regard, Plaintiff seeks recovery pursuant to causes of action arising under the statutes of the United States Code as alleged in Plaintiff's Original Petition attached hereto as Appendix "B".

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331. Moreover, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs because:

- a. Plaintiff seeks an award of exemplary or punitive damages (Attachment "B," ¶133);

- b. Plaintiff seeks the award of three times the amount of Plaintiff's economic and mental anguish damages pursuant to the TEXAS DECEPTIVE TRADE PRACTICES ACT §17.50 (Attachment "B," ¶98 and 131); and
- c. In addition to the damages sought above, Plaintiff seeks the recovery of attorney's fees accruing at \$250 per hour to be considered in determining the amount in controversy (Attachment "B," ¶138).

Plaintiff alleges a recovery of not to exceed \$65,000.00, said allegation being a false assessment of the case or an incompetent assessment of the same.

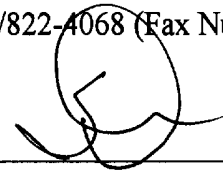
- 5. All Defendants served herein join in this Notice of Removal.

WHEREFORE, PREMISES CONSIDERED, Defendants CAVCO INDUSTRIES, L.L.C. AND CRG HOLDINGS, L.L.C. D/B/A CAVCO HOME CENTER remove this action pursuant to 28 U.S.C. §1446 from the County Court at Law of Hays County, Texas.

Respectfully submitted,

SHADDOX, COMPERE, WALRAVEN & GOOD  
1250 N.E. Loop 410, Suite 725  
San Antonio, Texas 78209  
210/822-2018  
210/822-4068 (Fax Number)

By



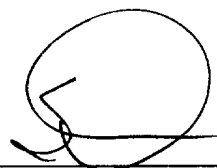
STEPHANIE O'ROURKE  
State Bar No. 15310800

ATTORNEYS FOR DEFENDANTS, CRG  
HOLDINGS, L.L.C. D/B/A CAVCO HOME  
CENTER AND CAVCO INDUSTRIES, L.L.C.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing NOTICE OF REMOVAL has been sent via certified mail, return receipt requested, on this the 1<sup>st</sup> day of June 2001, to:

Mr. F. Terry Callahan  
LAW OFFICES OF F. TERRY CALLAHAN, P.C.  
311 W. Laurel  
San Antonio, Texas 78212

A handwritten signature in black ink, appearing to be 'S O'Rourke', written over a horizontal line.

STEPHANIE O'ROURKE

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

LEE ORTIVEZ AND ERLINDA ORTIVEZ,

PLAINTIFFS,

VS.

CAVCO INDUSTRIES, L.L.C.;  
CRG HOLDINGS, L.L.C. D/B/A CAVCO  
HOME CENTER, ROBERT ORTIZ D/B/A  
TRACTORWORKS AND CHASE  
MANHATTAN BANK, USA, N.A.

DEFENDANTS.

[illegible]

CIVIL ACTION No. \_\_\_\_\_

## APPENDIX "A"

1. Plaintiff's Original Petition;
2. Notices of Service of Process;
3. Civil Citations;
4. Defendant's, Cavco Industries, L.L.C. and CRG Holdings, L.L.C. d/b/a Cavco Home Center's Original Answer

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**NOTICE OF DOCUMENT(S) NOT IMAGED**

Civil Case No. A-01-CA-352 SS

LEE ORTIVEZ, et al

VS.

CAVCO INDUSTRIES, et al

Attachments to  
Document #: 1

Description: Copy of State Court Pleadings attached

Filed By: Cavco Industries and CRG Holdings

File Date: 6/4/01

  
\_\_\_\_\_  
DEPUTY CLERK